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TAGS: [PREL](#) [PTER](#) [PGOV](#) [CO](#)
SUBJECT: GOC-ELN CIVIL SOCIETY GUARANTOR SAYS LATEST TALKS
PRODUCTIVE, REAL PROGRESS ONLY AFTER PRESIDENTIAL ELECTIONS

REF: BOGOTA 1965 AND PREVIOUS

Classified By: DCM Milton K. Drucker
Reason: 1.4 (b,d)

Summary

¶1. (C) GOC-ELN civil society guarantor Alejo Vargas told us that the latest round of exploratory in Havana were more tense than the first round, but resulted in a productive outcome. The next round starts early April, also in Cuba, but Vargas does not expect significant progress until after presidential elections May 28. He said it was possible that ELN negotiators (two of whom now have "political" status that insulates them from arrest) would travel within Colombia prior to the April resumption of talks, and might even meet with President Uribe. According to Vargas, the ELN is negotiating in good faith, but some 30 percent of its guerrillas are not on board with the Central Command's decision to talk to the GOC. Vargas said the ELN has not thought much about its punishment for committing serious crimes, but suggested that amnesty and pardon would not be on the table because international standards had evolved in recent years away from such options. Vargas speculated that if talks are successful the ELN would likely end up with punishment terms that would be similar to the Justice and Peace law, albeit under a different name. End summary.

Latest Talks Tense but Productive; Cuban Hosts Discreet

¶2. (C) One of the GOC-ELN civil society guarantors, Professor Alejo Vargas, told Polcouns March 6 that the latest series of exploratory talks between the parties in Havana were more tense than the first round, but resulted in a productive outcome. The GOC's decision to concede political status to two ELN negotiators (Antonio Garcia and Ramiro Vargas) followed considerable debate over the wisdom of the decision. In response to the GOC's agreement on political status, the ELN dropped (for now, at least) its request to add one person to its negotiating team, a request the GOC had consistently rejected. The parties sat through a thorough set of presentations by Colombian civil society groups in Havana, on subjects such as privatization, oil pipeline security, agricultural, and indigenous issues. Representatives from the various Colombian conciliation or

facilitation commissions (civil society, church, demobilization) also contributed. Vargas said those meetings helped reduce tension and allowed for a positive exchange of views. The talks also produced agreement on the role of the "accompanying countries" (Spain, Norway, and Switzerland), who will serve as formal observers.

13. (C) Vargas said the Cuban hosts have been fairly discreet so far. Castro wants to maintain his generally good relationship with President Uribe, and the Cuban security presence is not oppressive. In some ways, Vargas said, restrictions on freedom in Cuba have helped to keep a tight hold on information, which has built confidence in the process. Vargas said the GOC is comfortable in Cuba because of this controlled environment, and Peace Commissioner Restrepo has confidence in GOC Ambassador to Cuba, Julio Londono. He said other venue options, such as Venezuela, would likely be harder to manage. Vargas said the guarantors prefer a rotating venue, but there does not appear to be much GOC interest in moving the talks at the moment.

Next Meeting in April, Concrete Decisions Expected

14. (C) Vargas said the next round of talks will take place early April, again in Havana, and will try to agree on: the overall objectives of the peace process; specific issues to discuss under the overall objective; and the modalities of the discussion. Vargas said the parties have to agree on what the long term objective is (e.g., consolidation of democracy) before they move further forward. Next, they have to put together a solid agenda that avoids being a laundry list of important topics. Finally, the parties have to

decide on how they will manage the process. Vargas noted that ELN negotiator Garcia said the ELN would not insist on any demilitarized zone ("despeje") during the talks. In Vargas's view, the parties will have to address the much-raised ELN issue of a "National Convention" to thrash out answers to social questions. He acknowledged that the idea of a "National Convention" is "last century" and the ELN should bring its ideas up to date. Vargas said the ELN thanked the guarantors for their proposal on kidnappings (reftel) and agreed to continue studying it. In Vargas's view, an ELN cease-fire is fundamental to progress and must be addressed soon. (He said the ELN decision to cease hostilities immediately prior to and following the March 12 congressional elections was a unilateral and positive ELN move.)

ELN Negotiating Seriously, but Divisions Apparent

15. (C) According to Vargas, the ELN negotiators are working in good faith and seem committed to serious talks; the guerrilla group's Central Command (COCE) backs the talks. The ELN is raising important issues (such as ELN finances) that suggest a longer term peace commitment. However, the ELN is divided on the wisdom and potential of the talks, with support for the COCE's decision to engage the GOC running at about 70 percent. The approximately 30 percent of ELN guerrillas who are not on board should not be forgotten, in Vargas's view. The divisions suggest that the parties should move deliberately and not push too hard, too fast.

Possible Steps Prior to April Meeting

16. (C) Vargas told Polcouns that the guarantors, ELN, and GOC were informally mulling over possible activities prior to the talks resuming in April. One option was for Garcia to travel within Colombia at the end of March and meet with civil society groups to hear their perspectives. Another option was a Garcia meeting with Uribe. Vargas said he expected a May round of talks, but no significant substantive

progress until after presidential elections May 28. Vargas noted the potential importance to the talks of the progress made by the National Commission on Reconciliation and Reparations. He said the ELN would be paying close attention to the success of reinsertion efforts as it ponders the eventual demobilization of its group.

ELN "Punishment" Thorny Subject

¶7. (C) Vargas acknowledged that the ELN has not thought much about the nature of its punishment for having committed serious crimes. He noted that international standards on amnesty have evolved significantly in recent years, and said it would not be possible to grant amnesty to the ELN in the way other Colombian guerrilla groups were pardoned for similar crimes. Vargas speculated that the ELN would need a new law on this matter, which in substance would not be far from the Justice and Peace law, no matter what its title was.

Comment

¶8. (C) According to most diplomats, church officials, and other members of civil society who were present in Havana, Alejo Vargas has emerged as the most influential of the group of guarantors, the one the ELN listens to.

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